

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**BARRY C. HIGGINBOTHAM,**

**Plaintiff,**

**V.**

**ALABAMA ALCOHOL BEVERAGE  
CONTROL BOARD, ET AL.,**

## Defendants.

)
)
)
)
)
)
)
)
)
)

**2:06-CV-4780-VEH**

## MEMORANDUM OF OPINION

The magistrate judge filed findings and recommendation on August 9, 2007 recommending that the motions to dismiss (docs. #6 and #14) and the motion for summary judgment (doc. #13) be granted and that this action be dismissed. The parties were allowed an opportunity to file objections to the recommendation. No objections have been filed.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the findings and recommendation, the Court is of the opinion that the magistrate judge's findings are due to be and are hereby **ADOPTED** and his recommendation is **ACCEPTED**. Accordingly, the motions to dismiss and motion for summary judgment are due to be granted. A Final Judgment will be entered.

As to the foregoing it is **SO ORDERED** this the 7th day of September, 2007.

A handwritten signature in black ink, appearing to read "V. Emerson Hopkins", written over a horizontal line.

**VIRGINIA EMERSON HOPKINS**

United States District Judge